Per G.S.Singhvi, C.J.

This appeal is directed against order dated January 4, 2006 passed by learned Single Judge in Writ Petition No.7070 of 2005 whereby she quashed notice dated March 18, 2005 issued by Deputy Commissioner of Endowments under Section 17(3) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987.

We have heard the appellant Sri Vijayakumar Madanlal Ganeriwala, who has appeared in person, learned Government Pleader for Endowments and Sri P.Yadagiri Rao, learned counsel for respondent No.2 and are convinced that the order under challenge does not suffer from any legal infirmity warranting interference by the Division Bench.

Admittedly, Section 17(3) of the Act requires issuance of a notice by the competent authority giving at least twenty days time for submission of application for Trusteeship. It is also not in dispute that the notice impugned in the writ petition did not comply with the mandatory requirement of Section 17(3) of the Act.

Sri Vijaykumar Madanlal Ganeriwala, fairly conceded this position. He, however, submitted that the learned Single Judge should not have nullified the notice only on the ground of non-compliance of the time schedule specified in Section 17(3) of the Act and should have directed the writ petitioner to make representation to the competent authority to rectify the defect in the notice because the same was not in conformity with the mandate of Section 17(3) of the Act. He further submitted that respondent No.1 and his predecessor have been litigating for the last many years and deliberately creating the situation in which they are able to avoid appointment of Trusteeship for managing the properties of Sri Sitaram Maharaj Samsthan, Sitarambagh, Hyderabad.

We appreciate the grievance of the appellant whose predecessor appear to have been drawn in litigation for last many years but do not find any justification to entertain his plea for setting aside the order of the learned Single Judge because notice issued by Deputy Commissioner, Endowments, was ex facie contrary to Section 17(3) of the Act.

For the reasons mentioned above, the appeal is dismissed. However, we direct

respondent No.1 to issue fresh notice in terms of Section 17(3) of the Act within a period of two weeks from today and pass appropriate proceeding/order within next three months.

G.S.SINGHVI, C.J.

March 6, 2006.

G.BHAVANI PRASAD, J.

GRR/ARS